

**VOL. 2
No. 4**



**Tuesday
20th January, 2009**

FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

**THIRD ASSEMBLY
(SIXTH SENATE)**

SECOND SESSION

THE SENATE OFFICIAL REPORT

CONTENTS

**Votes and Proceedings
Announcements
Personal Explanation
Presentation of Bill
Consideration of Report
Adjournment**

0113

**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 21st January, 2009

The Senate met at 10.35 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: The Senate is called to order. Distinguished Senators, the Votes and Proceedings of Tuesday, 20th January, 2009 is before us for approval beginning with pages 415, 416, and 417. Since 20th January, 2009 was a historic date, let me also invite a man of history to move for the approval of the Votes and Proceedings of that same day. I invite distinguished Senator Jibril Aminu.

Senator Jibril Aminu (Adamawa Central): Thank you very much Mr. President for declaring me a man of history. It is my pleasure to move that we adopt the Senate's Votes and Proceedings of 20th January, 2009, a very historic date in the world.

Senator Lee Maeba Ledogo (River South East): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 20th January, 2009 be approved.

Question put and agreed to

Resolved: That the Votes and Proceedings of Tuesday, 20th January, 2009 be approved.

ANNOUNCEMENT

**Visit of Ten American Experts in Conflict Resolution
to the Senate to Observe Senate Proceedings**

The President: I wish to acknowledge the presence of 10 American Experts in Conflict Resolution who are in the Gallery to observe Senate Proceedings. I wish them fruitful observation. We rejoice with them also on the inauguration of Senator Barack Obama as the 44th President of the United States.

0114

PRESENTATION OF REPORTS

**Report of the Committee on Federal Character and
Governmental Affairs**

Senator Teslim Folarin: Mr. President, the first business of the day is the presentation of the Report of the Committee on Federal Character and Governmental Affairs on the State of the Nation Address Bill, 2009.

The Chairman of this Committee is not here. So, I move that this item be stood down till another legislative day.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the presentation of the Report of the Committee on Federal Character and Governmental Affairs on the State of the Nation Address Bill, 2009, be stood down for another legislative day.

The President: This Report is just to be laid on the Table, so why do you want to stand it down?

Senator Teslim Folarin: Mr. President, the Chairman of the Committee who is to do that is not here.

The President: What of his Vice?

Senator Olorunnimbe Mamora (Lagos East): Mr. Chairman, I am not aware of the Report so I cannot stand in.

The President: Does it mean that no member of the Committee has a copy of the Report? *(No response)* I will put the Question.

Question put and agreed to.

(Report by leave of Senate, stood down)

2006 Census Final Report

Senator Teslim Folarin: Mr. President, the second business of the day, is the consideration of the request by Mr. President, Commander-in-Chief, to lay the Final Report of the 2006 Census before the Senate.

You will recall that the Executive Communication was read in this Chamber on Wednesday, 14th January, 2009. With your permission, I wish to move that the Senate do receive the Final Report on the 2006 Census from Mr. President, Commander-in-Chief, on Thursday, 22nd January 2009 at 12.00 noon.

0115

Senator Victor Ndoma-Egba (Cross River Central): Point of Order, Mr. President!

The President: What is your Point of Order, Senator Victor Ndoma-Egba?

Senator Victor Ndoma-Egba: I am raising this Point of Order to pre-empt the Minority Leader from seconding the Senate Leader's Motion until we get some clarification.

I am referring you to Section 213 Sub-sections (1) and (3) of the 1999 Constitution of the Federal Republic of Nigeria. With your kind permission, I read. Section 213(1) says: *Any Report of the National Population Commission containing the Population Census after every Census shall be delivered to the President by the Chairman of the Commission.*

Section 213(2) says: *The President shall within a period of thirty days after receipt of the Report lay copies of the Report before the Council of State, which shall consider the Report and advise the President whether to accept it or reject it.*

Section 213(3) says: *Where the Council of State advises the President to accept the Report, the President shall accept the same and shall then lay the Report on the Table of each House of the National Assembly.*

I recall that after the Census the former President, Chief Olusegun Obasanjo was here to lay a Report of that Census on this Table. I, therefore, will want to suggest that we ask the Clerk of the Senate to verify from his records if that was, indeed so, so that we can appropriately advise Mr. President, Commander-in-Chief that what he seeks to do had already been done and cannot be done twice.

The President: Thank you very much, distinguished Senator Ndoma-Egba (SAN). You are aware that in anticipation of that, I also asked the Clerk to give me a copy of what happened during President Obasanjo's time and the Votes and Proceedings of Wednesday, 17th January, 2007 indicated that the Senate discussed Executive Communication, that is, Report on Census 2006 Provisional Results. The Votes and Proceedings of that day says:

Motion made and Question proposed that the Senate do receive the Report on Census 2006 Provisional Results sent by the President, Commander-in-Chief of the Federal Report of Nigeria by Senate Majority Leader.

0116

Resolved: That the Report be referred back to the President, Commander-in-Chief of Nigeria to effect compliance with Section 213(3) of the 1999 Constitution.

So, what he laid before us was the provisional result. I will read Section 213 of the Constitution which says:

Section 213(1): Any report of the National Population Commission containing the Population Census after every Census shall be delivered to the President by the Chairman of the Commission.

Section 213(2): The President shall within a period of thirty days after receipt of the report lay copies of the report before the Council of State which shall consider the report and advise the President whether to accept it or reject it.

Section 213(3): Where the Council of State advises the President to accept the report, the President shall accept the same and shall then lay the report on the Table of each House of the National Assembly.

Section 213(4): Where the President accepts such report and has laid it on the Table of each House of the National Assembly he shall publish it in the Official Gazette of the Government of the Federation for public information.

The point here is that what he has now is the final figure of the Report?

Senator George Thompson Sekibo (Rivers East): Mr. President, we were referred to Section 213 of the Constitution especially Sub-section (3) of that Section which has been read to us by both your humble self and the Deputy Leader. The other Sub-sections of this Section do not give room for the laying of the Report a second time.

I recall that when I was in the House of Representatives the then President laid the Report of the Census figures on the Floor of the Senate and also on the Floor of the House of Representatives. There is no provision for the laying of the Report a second time because we have received it already. I believe that since we had received it what should be done is to communicate whatever they have to us, otherwise, we are replaying our tape.

0117

The President: Senator Sekibo, is there anything that prevents him from laying it ten times?

Senator Sekibo: The provision in the Constitution says that Mr. President shall lay the Report; and he has laid it.

The President: I agree with you, Senator Sekibo but you are not asking the question. The question is if Mr. President decides to lay it again and again, is there a problem with that?

Senator Ike Ekweremadu (Enugu West): Your Excellency, please, excuse me if I am wrong but I was in that Senate and I cannot really recall that the former President was here. (*Interruptions*)

I can hear a distinguished Senator that he was here. But what I can recall is that he sent the report; you can go through the proceedings again. I think he sent that report. We can read the report of the proceedings for that day again. That proceeding says *that the report was sent to the Senate*. I cannot recall that he was here to lay the report. If he did, it is even better for us to err on the part of surplusage than doing the wrong thing.

The President: I remember vividly that President Obasanjo came to lay it.

Senator Maina Ma'aji Lawan (Borno North): As far as I am concerned, this is a very straightforward matter that does not need any controversy. The Votes and Proceedings of the day in question clearly says: *provisional census figures*. The President is now coming to lay the final census figures and he can lay any report. What was laid before was provisional result but this is final result and nothing stops him from laying it before us. It is better we wind up this matter properly.

The President: I am going to rule on the point of order. I am just taking explanations to be able to rule on it. But the question is whether or not there is anything stopping Mr. President from laying it over and over again.

Senator Lee Ledogo Maeba (Rivers South East): Mr. President, if we are defending and preserving our Constitution we should preserve and protect the contents. Section 213 of the 1999 Constitution provides that the Council will receive the report and debate it with Mr. President. If Mr. President accepts it, he will come and lay it here and it is laid only once because it is one Census.

0118

What I am trying to say is that President Obasanjo came here and laid the Report and left. Now the Constitution does not say that there will be a provisional report and a final report. What the Constitution says is, lay the Census Report and go. We should not joke with our country; this is a sovereign country. We should be seen to be doing things that are just and in consonance with our Constitution and our laws. The Constitution says lay the Report once and go. We should not trivialise issues like Census.

The report President Obasanjo laid here has been used for several things. It was used for the last election. The report was laid here on 17th January 2007 and two years have passed since then. That report has been used for several things indicating that it was an authentic report. You can call the report that President Obasanjo laid here a provisional report or whatever. Any attempt by the current President, Umaru Yar'Adua, to lay another one contradicts the entire provision of this Constitution.

The President: It is all right, Senator Lee. I asked you a question which you truly have not answered. If you go through Section 213 of the 1999 Constitution the procedure is that he receives the report which is then discussed in the Council of State and approved before it is laid on the Table here. So, if the current President is bringing it, it means it has gone to the Council of State and I know it went because I was there. What it means is that it went to the Council of State twice. Is that not what it implies? Every time it goes to the Council of State, the Constitution says that when the Council of State advises the President to accept the report, the President shall accept the same and shall then lay the report on the table of each House of the National Assembly.

I am telling you the procedure. So, he was just following the procedure. If it has gone to him, he has to lay it before us.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, the key point you are missing in the Section of the Constitution we have been referred to is the use of the word *any* in that Section. It says *any*. It does not make room for provisional or actual. Once a report has been laid, it has been laid.

The point that we need to find out is; are the new figures deferent from the ones the former President laid before us? If the new figures are different then we are in a dilemma. It means we had accepted the first figures that were incorrect and are now in a dilemma receiving the accurate figures. What we must do is to resolve that

0119

what the former President laid before us was incorrect and then clear the path for the current President to lay the report before us. The Constitution says, *any report* so there is no room to say whether it is provisional or not.

The President: Thank you Senator Ewa-Henshaw. In fact, your argument is in favour of laying it. The key word in that Section is; *any*. If he gets it ten times, he comes here to lay it ten times. The point you have made is in favour of him coming to lay any report he receives. That is what the Section says.

Anyway, I have allowed enough time so that people would air their views. Senator Victor Ndoma-Egba (SAN), I thank you very much but it is a unique opportunity for me to rule a Senior Advocate of Nigeria out of Order, so, I accordingly rule you out of Order.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, let me thank Mr. President for being very thorough and putting us on track on this very important issue because provisional is provisional and final is final. It is my distinguished privilege to second the Motion that the Senate do receive from Mr. President, Commander-in-Chief the Final Report of the 2006 Census tomorrow, Thursday, 22nd January, 2009 at 12.00 p.m.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, Point of Order!

The President: Yes, Point of Order, distinguished Senator Joel Danlami Ikenya.

Senator Joel Danlami Ikenya: My Point of Order is under Order 39(1), (2) and (3). With your permission, I read. Order 39 says: Unless the Senate otherwise directs, the business of each Sitting day shall be transacted in the following order:

- (1) *Formal entry of Mr. President of the Senate; which you did.*
- (2) *Prayers; which you also did,*
- (3) *Approval of Votes and Proceedings, which you did*

There is no Oath/Affirmation of Allegiance or Oath/Affirmation of Membership for any Senator elect

- (4) *Message from Mr. President of the Federal Republic of Nigeria. That is either in form of a letter*

0120

normally read to us or in form of presentation of Budget or laying of a Report just like the Census Report.

My Point of Order is that, all of us here are aware that there was a communication from President Obasanjo on that matter. Now, another communication is coming on the same issue. The question is, which one should we act on at the end of the day? That is the very fundamental observation I want us to look at. It is in respect of the fact that you have ruled not on the basis of our Standing Orders but on the basis of Constitutional provision that is why I am coming up to read this Point of Order.

The President: Sorry, which Point of Order are you referring to?

Senator Joel Danlami Ikenya: I am referring to our Standing Order 39(5) dealing with message from Mr. President of the Federal Republic of Nigeria coming to lay a report before the Senate. If there was a mistake and another message is coming on the same issue, which one do we act on?

The President: Distinguished Senator Aloysius Akpan Etok, you know that book is very important. We must truly organise some lessons on the Rules because of Senator Joel Danlami's Order 39(5) dealing with Message from Mr. President of the Federal Republic of Nigeria. Those are the letters that I read out. I have not read anyone this morning. You quoted Order 39(5) so I am referring to that now. Assuming that it is even a letter, it does not say that if there was one letter before, there cannot be another letter again. It does not say so. Usually you know I read so many other letters out here.

Senator Joel Danlami: I thought you are ruling me out of order.

The President: I have not ruled you out of order yet, maybe, because I am going by the Order that you have raised. What we are discussing now is not a message from Mr. President. It is different from a message from Mr. President. This is already on our Order Paper.

So, thank you very much as I now rule you out of order. I should put the Question now because the Motion has been seconded.

Question put and agreed to.

Resolved: That the Senate do receive from Mr. President, Commander-In-Chief the Final Report of the

0121

2006 Census Figures on Thursday, 22nd of January, 2009 at 12.00 p.m.

ORDER OF THE DAY

EXECUTIVE COMMUNICATION:

Approval to issue Naira Denominated Bond of S\$500 Million in the International Capital Market (ICM)

Senator Teslim Kolawole Folarin: Mr. President, the second Order of the day is the presentation and consideration of the request of Mr. President, Commander-in-Chief, for the issuance of Naira Denominated Bond in the equivalent of US\$500 million in the International Capital Market (ICM) for tenure of 10 years.

I wish to move that this Senate do resolve into the Committee of the Whole to consider this request.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do resolve into Committee of the Whole to consider the request of Mr. President, Commander-in-Chief, for approval to issue Naira Denominated Bond of US\$500 million in the International Capital Market.

Question put and agreed to.

Approval to issue Naira Denominated Bond of US\$500 million in the International Capital Market for tenure of 10 years - CONSIDERED IN THE COMMITTEE OF WHOLE.

The Chairman: Distinguished Colleagues, you all have copies of the request, so let me have your comments.

Senator Ayogu Eze (Enugu West): Mr. Chairman, I believe that since we are all aware of the developments in the international economies at the moment, and since we are equally aware of some of the hiccups that have already began to swoop in, in terms of the slide in the value of the Naira; and since we are also internationally linked through foreign direct investments with one another; this morning I was watching the television and it was said that the United Arab Emirates have signed a Memorandum of Understanding with Nigerian Government to inject about US\$16 Million into the economy of Nigeria.

If we operate in these environments that are interdependent, it is wise on the part of Federal Government at this point in time, and as part of the

0122

cushioning measures, to seek to go to the International Capital Market first, to make statement about our commitment and our faith in doing business with other economies; and secondly, about our preparedness to open up our investment environment to admit Foreign Direct Investments.

More importantly, I believe that the government will also use this opportunity as has been stated here, apart from these implications which may not be the clear goals; to raise needed capital to jump start our own economy. The money raised would be for infrastructural development, creation of employment and wealth in the process and ensuring that there are lots of economic activities going on in our economy. For that singular reason, there is every need for us to support the initiative and give Mr. President the leverage to undertake this international outing on behalf of our people, and as a responsible government that is committed to improving the lives of the citizens. So, I support that we should consider this favourably.

Senator Mohammed Ibrahim Ida (Katsina Central): Mr. Chairman, borrowing *per se* by an individual, corporate body or government is not a bad thing. It is mostly the purpose for which the borrowed money is used and the ultimate outcome of the investment that could be good or bad.

In this request, Mr. President is asking this Senate Chamber to give its endorsement for the issuance of this US\$500 million denominated bond. In the letter of Mr. President, there is one key word that was used which should be appreciated. One major importance of this issuance is for the establishment of what is called sovereign benchmark. It is very important for us to understand what is meant by sovereign benchmark.

As an individual, when you are borrowing money the bank charges you interest on the basis of so many factors. First of all, there is a rate which the bank charges its prime customers. That is, a risk free customer. That rate is added to such things as the risk you as individual would bear. Those factors added to the rate charged a prime customer is what ultimately determines the rate that a customer is charged. Therefore, what a sovereign benchmark means in simple term, is the rate at which loans to Nigeria or anybody associated with Nigeria would be given by the international community. That takes into consideration so many factors such as the country's risk, strength of economy, political situation as well as strategic position of that country.

0123

By this issuance, if through it, a sovereign benchmark for Nigeria is established, it means that if any state or company from Nigeria or an individual wants to borrow from the international community, that is the benchmark that Nigeria has set for herself which would be the basis on which that party would be charged interest in addition to certain other factors.

So, it is important for us to endorse this request because it does not only allow the Federal Government to raise funds for the much needed developments, but it will also set up a reference rate to which any Nigerian or Nigerian company wishing to borrow from the international community would be charged. Therefore, I very strongly advise and recommend that this Chamber endorses Mr. President's request.

Senator Nimi Barigha-Amange (Bayelsa East): Point of Order.

The Chairman: Yes, your Point of Order, Senator Nimi Barigha-Amange?

Senator Nimi Barigha-Amange: Mr. Chairman, I am raising Order 53(6) and with your kind permission, I read: Order 53(6) says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive Motion for rescission.*

This amount is captured in the 2009 Budget which this Senate has approved. Therefore, we have reached conclusion on this matter and we are not supposed to reopen it.

Senator Ahmad Mohammed Makarfi (Kaduna North): Mr. Chairman, that is actually the information that I wanted to give this august Chamber which is that it was properly captured in the revenue profile as a financing item and this august Chamber has approved the Budget. Therefore, it is a matter, in my opinion, which has already been overtaken by event.

For purposes of clarity, instead of debating a matter over which a decision had already been taken, I suggest that it receives the formal sanctioning of the Senate as a separate item.

Senator Ike Ekweremadu (Enugu West): Mr. Chairman, let me go back again to Order 53(6) of our Standing Orders cited by my Colleague: The order on Rules of Debate says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantial motion for rescission.*

0124

The emphasis is on the words; *specific question*. This certainly is not a specific question in regard to the Bill which we passed in this Senate.

Besides, if you look at the letter from Mr. President, he was conscious of the fact that it is also contained in the Bill sent to the National Assembly but he said that he had deemed it necessary to send it as separate item. It is not as if, we had dealt with this specific issue. It was part and parcel of all the other issues that were contained in that Appropriation Bill. What our Rule says is in respect of specific issues. We have not dealt with this bond as a specific issue in that Budget. Therefore, we are right to go ahead to consider this issue as is now being presented.

Senator Ganiyu Olanrewaju Solomon (Lagos West): Mr. Chairman, I had the intention of contributing to the approval requested by Mr. President but my first comment is on the Order raised by Senator Barigha-Amange.

What Mr. President did which we considered was his intention to raise the fund which we agreed in principle but that notwithstanding he is expected to now go through the process of seeking the approval of the National Assembly which is exactly what he is now doing.

Senator Jibril Mohammed Aminu: Mr. Chairman, I think that both sides are right. The problem that we have, in my opinion, is time. This letter was sent to the Senate in November last year; that was before we passed the Budget. I think it should have been debated in the Senate, considered and approved before the passage of the Budget.

Now that the Budget has been passed, this definitely looks like retroactive. It is up to the Senate to decide whether or not we should have a retrospective debate and I think that nothing would be lost by so doing because since we did not have the opportunity to discuss it, there are a lot of things that we could all learn and modify inside this letter.

Having read it, I believe it will be useful for us to know and would be harmful for us not to know. I would say that the people who raised that Point of Order, in my humble opinion, are right. But having regard to the fact that we should have debated this before passing the Budget and that there is still a lot that we can learn, modify and advice on, we should do it in a retrospective way. I believe the President may still benefit from our advice because he has not yet completed the implementation of this portion of the Budget.

0125

Senator Iyiola Omisore (Osun East): Mr. Chairman, I would like to go on a two-way submission. Firstly, on the issue of time of the request of this proposal, normally before it comes to revenue item at all, it ought to have come to us in July last year for us to approve or disapprove before it is captured as a revenue item which was done without our consent. That first position is very bad in the first instance.

Secondly, on this issue of International Capital Market (ICM), it is even time barred because of the dollar system. The essence of benchmark that they are trying to raise in the International Market is to arrive at a benchmark for us but as it is now, the continuing depreciation of the Naira against the Dollar has put us in a very difficult situation.

At this point in time, it is a very wrong strategy for any government to go to any International Capital Market whether it is denominated in Naira or Dollar. If it is denominated in Dollar, it is better but the bond is denominated in Naira. Considering the exchange rate of the Naira against the Dollar, we would have put a large quantum of Naira into this bond by the time the Naira stabilises. In other words, we may end up paying more debts than we had envisaged.

Then the pricing of this particular International Capital Market is time barred at this point in time. If we want to give retrospective approval, as Senator Jibril Aminu said, we have to take caution and let the Federal Government know that before they embark on this ICM, they must embark on market survey and seek advice from the National Assembly at the point they must go. What we can do for them is to give an approval in principle pending a favourable time for implementation.

The global market is very bad at the present time. Nigeria is a bit insulated from that crisis. Now we are going to stick our head out and get enmeshed in it. Ours is a cash economy unlike other credit systems all over the world. So, we are going to invite more crises into Nigeria if things go on this way.

As I said, we can give retrospective approval to it and with a caution that we must look for a time; maybe, in two, three or four month's time before we go to this market at all.

The Chairman: Before I rule on the Point of Order, let me read the last page of the letter which says: *The distinguished Senate may wish to note that Bond floatation in the ICM takes a minimum of four months after all the necessary approvals have been noted.* That is the point Senator Omisore commented on that even if

0126

we give approval to this letter now, we are looking at another four months from now at which time nobody really knows what is going to happen to the Naira as against the Dollar. Now, that when given this approval, they should still come back to us at that point in time is what I am not too comfortable with because you do not give a goat to a man and then you are holding on to the rope and saying the goat is his own; it not the best way. I am going to rule on the Point of Order raised by Senator Barigha-Amange which is a different thing but I want us to get this right first.

Senator Bukar Abba Ibrahim (Yobe East): Mr. Chairman, a lot has been said on this matter. This letter arrived Senate sometime ago. If we had debated and passed this much earlier it probably would have been very near getting the money.

It is said that it is better late than never. I believe this US\$500 million is necessary. Considering Mr. President's letter and all the reasons he has given, I am in total support. In addition to that, one of the conditions for taking any foreign loan is to seek the prior approval of the National Assembly. That means that we have to debate and give a specific approval and not just to say that it has been passed in the budget. That is not acceptable to international financial institutions. They must see a photocopy of the law or document attached to the application and all the other documents of approval by the National Assembly, specifically for this \$500 million. It is not good enough to say that we have passed it in the budget. Nobody would accept that and give you \$500 million or its equivalent. For that reason alone, we need to finish all that we have started, that is giving the formal approval. I do not think it does any harm to whatever other decisions that might have been taken earlier.

In any case, from all indications, it is the mood of the Senate that the approval is going to be given anyway. The attitude is politics. We need this money particularly for infrastructure. I have always said this repeatedly that we, as a nation, are not getting sufficient infrastructural development across the nation. I do not need to repeat all the things that I have said earlier, that we have few infrastructures as a nation, and there is need for us to correct this situation.

The Chairman: Let me rule on Senator Amange's Point of Order, which would enable us to either continue or discontinue the whole discussion. Senator Amange, it shall be out of order to attempt to reconsider any specific question upon which the Senate has concluded, during the current session, any specific question. Now, this has come as a specific item from

0127

Mr. President, even though, you said that it is captured in the budget. However, the issue is that this has been specifically brought out and we have not discussed it specifically before now. That is where the problem lies. *(Interruptions)* There would be no point because when you raise your hands the more, I would refer you to Rule 25(f) so that you would be a bit careful. It is better for you to listen to me to finish first before you raise your hands further than that *(Laughter)*

The specific issue is this particular letter and ideally, it ought to have been discussed long before the budget. That we did not discuss it earlier is an error on our part but it is better late than never. On that basis, though your Point of Order was nearly all right but I rule you out of Order.

The majority of the views I have heard are the ones in favour, let me hear those against, yes, Senator Lee Maeba?

Senator Lee Ledogo Maeba (Rivers south East): Mr. President, *(Interruptions)*

Senator Mahmud Kanti Bello (Katsina North): Mr. President, Point of Order! I am coming under Order 53(9) *(Interruptions)*

The Chairman: Whip, I will switch you off because you should wait for me to call you. It is all right. The Whip of the National Assembly, what is your Point of Order?

Senator Mahmud Kanti Bello: My Point of Order is to bring to the attention of distinguished Senator Lee Maeba because each time he would say he wants to speak, he would talk. Order 53(9) says: *A Senator desiring to speak shall raise his hand in his place and if called upon, shall rise and address his observations to the President of the Senate or the Chairman.* Each time Senator Lee wants to speak instead of raising his hand, he will start talking. I think it is my duty to bring this order to this attention.

The Chairman: Whip, I sustain your Point of Order. Yes, distinguished Senator Lee Maeba, make your contribution.

Senator Lee Ledogo Maeba: This letter from Mr. President is giving me a lot of concern. This letter is dated 27th November, 2008 and if this letter was actually received since 27th November and we had sat a dozen times before now, and even passed a budget yet this letter was not read, I would demand an explanation from

0128

Mr. Chairman why this letter was not read till now. That is number one.

It is suspicious because we have read so many letters that were written after it yet this one was not read. Is it in line with what happens in the Leadership that letters from Mr. President would be read when it is necessary? If this was not read since 27th November, it is suspicious.

If it were read on the 27th of November before the budget was passed, it would have been discussed as it were as an item in the budget. I am surprised when Mr. Chairman said that it was not a specific item but in our convention, every item in the budget is taken as a specific item which is discussed, analysed, and passed. Therefore, to say it was not a specific item in the budget that was passed is even becoming more suspicious.

A distinguished Senator raised an issue that this International Capital Market (ICM) is an international loan and if taken, the burden would be on Nigeria. As distinguished Senators, part of our privileges is to have this ICM document if full, study and analyse it and then make up our minds on behalf of our Constituencies whether or not it is good for Nigeria. For the fact that a lot of gyrations have taken place in the money market since 27th November, 2008 we should make it a very serious issue.

I, as a distinguished Senator representing my people do not understand anything about this at all. It was hidden in the budget, gambled and passed without explanation. That means I would not know how to explain this at all to my Constituents. Therefore, because of the suspicion on the date of the letter and why it was delayed for about four months, I feel we should play cool on it, stand it down so as to make available all the necessary documents about it to all the Senators to enable us discuss it. If there were other items like this that were hidden in the budget, we should also look at them because even the Chairman of the Appropriation Committee who prepared the budget document is at loss about these issues.

To be able to defend my privileges as the representative of my people, I want to say that I do not understand this. I want to get the details of this before I become a part of those who are passing this item.

The Chairman: Thank you very much, distinguished Senator Lee Maeba. For those of you who belong to International Parliaments such as ECOWAS, The African Parliament, SURA, IPU and CPA, try when you are away to catch up with things that happen in

0129

your absence. If you devote too much time to external parliaments, what Senator Lee has said is precisely what would happen.

If you read the Votes and Proceedings of Wednesday, 3rd December, 2008, that letter was read on the Floor of the Senate and laid. Now that you demanded an explanation, you owe this Senate an explanation as to why you were not conversant with your Votes and Proceedings. To say that this letter was not read, it was hidden and just brought today, is very wrong. This letter was read, but that it was not slated for discussion, is a different thing. So, you should try to be conversant with what is happening on the Floor of the Senate.

What you raised your hand to do was to speak against whether we should approve the letter or not. Rather than just concentrating on that, the gyration was that you did not discuss the issue that you raised your hands to speak. In any case, I have heard your argument. Your purpose was to speak against the letter. But to say the fact, this letter was definitely read on the Floor of this Senate.

Senator Lee Ledogo Maeba: Mr. Chairman, I want to apologise.

The Chairman: You want to apologise? All right, I take your words that you want to apologise.

Senator Lee Ledogo Maeba: Yes, I apologise that I did not know that the letter was read. However, I maintain that I am against the subject matter.

The Chairman: I have already switched you off as you have apologised. Are there any more contributions, before I put the Question?

Question put and agreed to.

Resolved: That the Senate do consider and approve the request of Mr. President, Commander-in-Chief for the issuance of Naira Denominated Bond in the equivalent of \$500 million in the International Capital Market (ICM) for tenure of 10 years.

Senator Teslim Folarin: Mr. Chairman you may now report progress.

Senator Maina Ma'aji Lawan: I second the Motion moved that the Chairman now reports progress.

Question put and agreed to.

0130

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the request of Mr. President, Commander-in-Chief, for approval to issue FGN US\$500 million Denominated Bond in the International Capital Market, and approved the request.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

CONSIDERATION OF A REPORT

Report of the Joint Committees on FCT and Housing on the Investigation of the Administration of FCT from 1999 to 2007

Senator Teslim Folarin: The third Order of the day is the consideration of the Report of the Joint Committees on FCT and Housing on the investigation of the administration of FCT from 1999 to 2007.

The Report was laid on Thursday, 3rd July, 2008. With your kind permission, you may wish to invite the Chairman of FCT Committee, Senator Abubakar Sodangi, to move the Motion for the presentation and consideration of the Report.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, this is the Report of the Joint Senate Committees on FCT and Housing on the Investigative Public Hearing into the Administration of the Federal Capital Territory between 1999 and 2007.

Upon a Motion brought by me to the Senate of the Federal Republic of Nigeria on Wednesday, 12th March, 2008, the Senate resolved to conduct an Investigative Public Hearing into the administration of the Federal Capital Territory between May 29th 1999 and May 29th 2007.

This Investigation became inevitable sequel to a gamut of petitions from Nigerians over injustices allegedly meted out to them in Abuja over this period by various agencies of Government in the Federal Capital Territory.

Mandate

The mandate of the Joint Committee was to conduct the Public Hearing into the administration of the FCT between 1999 and 2007 with emphasis on the following:

0131

- (i) Land Administration;
- (ii) Ad-hoc Committee on the Sale of Federal Government Houses in the FCT;
- (iii) Labour matters relating to FCDA/FCTA;
- (iv) Alienation of FCT assets by sales and/or concessioning;
- (v) General administration of the FCT;
- (vi) Make recommendations on findings, and
- (vii) Report back within four weeks

Membership

The Membership is contained on Page 2 and that is all Members of Senate Committees on FCT and Housing, and I urge you to consider them as having been read, please.

Inauguration

The Committee was inaugurated on Wednesday, 9th August, 2008 by the President of the Senate, His Excellency, Senator David A.B. Mark, (GCON)

Procedure

The Committee met and adopted the following methodology.

- (i) Call for memoranda was made to the general public through paid advertisements;
- (ii) The Administrators of the Federal Capital Territory were invited to make both written and oral submissions;
- (iii) Contractors to the Federal Capital Territory and other stakeholders were called upon to make submissions;
- (iv) Former Ministers of the FCT were also invited to make submissions;
- (v) Members of the public willing to make oral presentations were taken on Oath;
- (vi) Consultants were also commissioned to aid the Committee.

0132

The Committee received over 1,500 written memoranda from the general public, but as I speak with you, we have received over 2,000 now. Some of the memoranda received dealt with more than one issue which the Committee broke down for convenience as follows:

- (i) Land Administration
- (ii) Ad-hoc Committee on Sale of Federal Government houses
- (iii) Labour Matters
- (iv) Alienation of FCT assets; and
- (v) FCT administration.

The Public Hearing

Pursuant to Senate Resolution (Res./055/08) of Wednesday, 12 March, 2008 the Investigative Public Hearing was formally inaugurated by His Excellency, the Senate President, Senator David A.B Mark. Upon commencement of the Public Hearing and the interest it generated, the avalanche of memoranda and oral presentations made in the initial four weeks deadline for submission of the Committee's Report, the Report could not be completed or the time rather was unrealistic.

The Senate thereafter extended the timeframe by another four weeks which also became unrealistic because we received more than 2,000 petitions. However, at the end of the day, we were able to read, analyse and make our own input and submitted our Interim Report.

Fair Hearing

All persons against whom memoranda were directed were given opportunity to respond to the accusations after giving copies of such Memoranda to such person or persons.

The Committee has, therefore, decided to submit to the Senate a Report detailing what has been done so far and to submit to the Senate its first volume of the Report like I earlier said. We have also gotten the attachments and the Verbatim Report which is Annexure II and we have received also the Tape Recordings which we are going to transfer into CDs.

0133

The Report

After listening to Nigerians at the Public Hearing and reading through all the Memoranda submitted, the Committee agreed on the following principles based on the facts we collected on each issue as follows:

Land Administration

From records and also to refresh your memory, the Federal Capital Territory came into being on the 16th of February, 1976 by virtue of 1976 Act. The reason for the change being that Lagos became congested and monolingual in the words of the Committee that recommended a new capital. I do not want to burg you with those things.

Allocations were guided by the Land Use Act in Abuja like every other state, and the process is usually by an application fee payable to the Minister and the application goes to the Land Use Allocation Committee, which recommends to the Minister of FCT.

Revocation also is guided by Section 27 of the Land Use Act and the only conditions being:

- (a) overriding public interest; and
- (b) non-compliance with the terms of allocation as stated in the Certificate of Occupancy.

All these are also itemised on page 8, for your guidance and consumption.

I now take you to page 10 because there are lots of revocations that we said were not done in consonance with the provisions of the Land Use Act as you will see later.

Another petition we received was the petition from the indigenous people of Abuja. Speaking on the indigenous people of Abuja; it appears the state is not appreciative of the magnitude of the problems as a potential cause of restiveness.

In 1976 the people were dispossessed of their land and were asked to claim compensation and resettlement. Some were resettled. For instance, those in ministerial areas of Plateau State were re-settled in New Karu whilst those from former Niger State were re-settled in New Wuse along Kaduna road. Some of them equally got compensation but suddenly, there was change in policy that allowed them to stay back to be resettled or compensated if and when the development of the Territory catches up with them.

0134

Summary of the Memoranda

The Committee received 412 Memoranda relating to land administration as follows:

S/No	Subject Matter	Memoranda Received
1.	Demolition	150
2.	Revocation	189
3.	Land Allocation	157
4.	Resettlement and Compensation	7
5.	On complaint from Ministries, Parastatals and Agencies	19

The Abuja Master Plan was a general submission from the Federal Capital Territory Administration which is also contained here. We received petitions and memoranda on violation of Court Orders. They are also contained here; there are more than 50 of them

Brief Summary on the Demolitions

The major complaint was that due process was not followed in the demolition exercise as in some cases the victims had approved building plans.

The FCTA in response stated that while few structures were built without approved plan, some structures were built on right of way, sewer lines, green areas and other areas not approved in the Master Plan. The FCTA, however, admitted that some few structures were demolished in error and it is also captured here.

Findings

The Committee observed that the right of appeal was not available to those whose properties were demolished. The Committee found that not a single demolition that was done followed due process as there was neither sufficient notice nor opportunity given to the people to appeal against such demolition orders. Our recommendation will be seen hereafter.

Revocation

On the revocation, most of the memoranda received complained of the revocations not being in accordance with the Land Use Act or terms of the Certificate of Occupancy and those lands were surreptitiously revoked by the FCTA for overriding public interest, non-development or being on unauthorised areas only for

0135

same lands to be re-allocated to other persons or individuals.

That the former Minister of the FCTA in person of Mallam Nasir Ahmed El-Rufai revoked land allocations without due process as the memoranda which he approved for the revocations were written by persons not authorised by law namely Ezeamaka Cyril and Babatunde Olajide, his Personal Assistants.

Mr. Senate President, distinguished Colleagues, let me highlight this Report a little bit. The erstwhile Minister of the FCTA, Mallam Nasir Ahmed El-Rufai, in response to the above allegations, admitted that he made errors in reallocating unauthorised plots to members of his family, for instance, to his wives, brothers and associates. However, he also admitted that some of the revocations were done in good faith as they were carried out in order to restore the Abuja Master Plan.

The Committee, however, notes that the errors claimed by the Minister were not isolated but systematic and in all cases reviewed by him and those affected person were not availed the right of fair hearing or to defend their case.

The Land Use Act allows for revocation only for overriding public interest or breach of covenant but the Committee finds that not a single plot was actually revoked for overriding public interest as they were re-allocated to other persons and not the State.

Similarly, the discovery by the Committee whereby certain lands were revoked for being on sewer or waterlines and re-allocated to family members was a classic case of abuse of power by the former Minister, Mallam Nasir Ahmed El-Rufai. A case in point is the revocation or demolition and re-allocation of the property of Shelter Development Limited, Maitama, Abuja and the story is that they were allocated Plots 366 to 405 at Maitama District. They spent over ₦600 million as contained in their Memorandum and in just one day Mallam El-Rufai went and demolished the place and left only one building. If you are going along Mississippi Road, you will see the building there; the people have complained and we have made a finding on that for you.

Land Allocation

From the submissions to the Committee by the Abuja Geographic Information System (AGIS), the Committee discovered that the former Minister of the FCTA, Mallam Nasir Ahmed El-Rufai allocated 4,352

0136

plots in less than 30 days to his exit as the Minister. The record is there; he has admitted them. The breakdown of the allocations made in the last two weeks of his leaving office show that he signed out 3,645 plots and on the last day of Obasanjo Administration on 29th May, 2007 the Minister signed out 655 plots even though he had seized to be the Minister on 16th May 2007, as the Federal Executive Council was already dissolved by the former President. The record we have is that during Mallam El-Rufai's tenure, of course, he wanted to satisfy Nigerians, has given over 60,000 plots. Unfortunately, some of them are not in developed areas; you cannot access them. This action, the Committee finds to be reckless, to say the least, and done without due authority of the office.

Then, there is another very interesting case that you would like to know. Of course, we have to say it because we made a thorough investigation that is the Jabi Lakeview Estate.

Jabi Lakeview Estate

The Committee also observed that some few people refused to appear before us because we asked them to come through AGIS. We made advertisements and did everything but they refused to come to prove their ownership. Other fictitious persons were irregularly allocated 19 plots, in the first instance, at Jabi which were later collapsed to one plot and re-subdivided and re-allocated to 45 persons. (see Appendix A) The facts are there for you to see.

On scrutinizing the policy files of the property, it became obvious that some of the allottees were underage. Some got their allocations before completing the land application forms. Some got theirs on the date of application while yet others got theirs one, two or three days thereafter.

However, a common factor in the applications was that no evidence of application fee could be found in the files. The Certificates of Occupancy of the plots were signed for and collected on 28th May, 2007 on behalf of one person by Cyril Ezeamaka, a Personal Assistant to the then Minister, El-Rufai. We refer you to the policy files that are all before us.

The Committee notes on a visit to the plot - we went there – that it had been virtually completed which is not possible within the period. We beg to submit that the allottees are nothing but fronts. This action the Committee finds to be gross abuse of office or power and a crass, primitive and undue acquisition of wealth

0137

without caution or regard for society by the then Minister, Mallam Nasir El-Rufai and we so submit.

Recommendation

Our recommendation is contained on page 26; we will just browse over it.

American Hospital

One other interesting Petition we received was from American Hospital. The Committee was informed that the proprietor of American Hospital applied for land to build a hospital and was allocated a plot of land but was later revoked and the plots contained about 94 hectares which they had earlier accepted. However, the Minister unilaterally revoked another plot of land containing individual allocations and they compensated the American Hospital with the sum of ₦129 million. But, when one of the Directors of the American Hospital came, he informed us that they did not receive any money from FCDA. So, we are asking the FCDA to bring out this money.

Further to that, FCTA re-allocated these plots of land to an individual company even though with good intention, it was against the advice given to the then Minister. One Director of Land and Planning advised him not to do that. He even fired the Director for so advising him. The Director appeared before us.

Having considered the relevance of the proposed hospital to the nation and in particular to the residents of Abuja, the Committee hereby recommends as follows as regards the American Hospital:

1. That those initially allocated the plots should be given ...
2. That the dismissed Deputy Director who queried the anomalies in this allocation should be reinstated to his job; and
3. That the Management of the Hospital having presented very good and verifiable intention, which the Committee considers to be in the best interest of the nation, should be allowed to commence the construction and development of the hospital project.

Another very controversial complaint we received was from the Wuse Zone 4 Neighbourhood Centre. I would just give you the summary, Plot 1247, is Off Aminu Kano Crescent, Wuse II, Abuja. For those who

0138

are conversant with Abuja that Neighbourhood is near the Sharaton Hotel.

The Committee received a petition from the Allotees of this Neighbourhood Centre. The Committee was also informed that the sum of (₦850,000,000) was collectively expended (*Interruptions*).

The President: I am sorry, distinguished Senator Sodangi because we would take each of these issues with your findings and then your recommendations; it would amount to doing it twice if you go through the whole thing again. I thought you are just going to give us the summary and then we go page-by-page to take each issue, look at your recommendations and your findings and then approve or not approve. Otherwise, you have to read the whole of this Executive Summary.

Senator Abubakar Danso Sodangi: I do not intend to read all.

The President: All right, you can highlight the important ones.

Senator Abubakar Danso Sodangi: I would read the highlights of those serious and very important cases. It took us three weeks to put together this Report.

The President: No problem as long as what you are doing is elective because you have been going page-by-page that is why I got worried.

Senator Abubakar Danso Sodangi: I am conscious of the fact that this book is very bulky. It contains over 70 pages but I am going to read only pages 1 to 25. The rest are annexures. I am going to leave the rest of the job to all of us in terms of approving the recommendations. Be patient please. It took us three weeks to do this Public Hearing and we all saw it. So, give me time, I beg of you my Colleagues, to make some points so that you would understand when you come to approve the recommendations.

On the issue of Wuse Zone 4 Neighbourhood Centre, the facts are there. It was revoked. At the end of the day, the plot was given to one Refuge Finance but the beauty of it is that at the course of doing this proceeding, the people stopped working. The place is now vacant.

I take you to another case, the Society of the Holy Child Jesus. It is an Orphanage Home. They got an allocation of land but they were told to surrender it to the Independent National Electoral Commission (INEC). They refused and their allocation was revoked.

0139

They came before us and we have made some recommendations at that same page 18 for you. We are asking the FCDA to give them their plot.

Another interesting case, which I will give the summary, is the case of G. Cappa which also filed a complaint. Here is a Company that established its estate worth millions of Naira, during this exercise of taking-over government houses, the former Minister took over their two plots in both life Camp and Gwarinpa and later sold them to individuals for the sum of ₦29,000,000. It is contained in our recommendation.

The next is the issue of resettlement and compensation and it is a very serious one. If you look at page 20 of our Report we said: *Some indigenous inhabitants of the FCT particularly the Gbagyi complained of non-resettlement and failure to pay adequate compensation for their economic crops removed for fresh developments by the FCT.* Because of the change of policy that said they should not be resettled outside FCT, and that they could remain wherever they are until alternative accommodation is provided for them, some of them remained but they are now complaining that they were not given commensurate number of rooms therefore they are not fully resettled. We have made recommendations to that.

Another very serious one is on page 21 on Court Orders. We received so many complaints about violation of Court Orders especially during the administration of Mallam Nasir El-Rufai. This was buttressed by the former Director of Legal Services, FCDA, Mr. Alkali, who is now Counsel-General who came and testified before us that his advice were not taken by the former Minister. The Minister violated so many Court Orders including a very controversial case which led to the eviction of late Justice Sambo who was the former Chairman of the Code of Conduct Tribunal. Both the then Chief Justice of Nigeria and the then Attorney-General of Nigeria advised the former Minister against the revocation which was rejected. The late Justice Sambo was forcefully evicted even though he had a Court Order. We have recommended that his house should be returned to his estate.

If you go through Abuja Master Plan, well, I do not want to bug you with the abuse of it. I earlier indicated to you what they did and the abuses of it. Some have valid papers, some do not. There was no due process.

The next case of interest I would want to highlight is our findings and recommendations on page 22, which I would leave you with for discussion and approval.

0140

Findings:

- (i) The Committee finds that some structures were built without authorization and were subject to demolition. However, due process was not followed.
- (ii) The Committee finds that the FCTA did not stop the development of illegal structures at the time these structures were being built.
- (iii) The Committee finds that some structures were demolished in error as admitted by the former Minister.
- (iv) That the former Minister, Mallam Ahmed Nasir El-Rufai revoked land allocations without due process as the memoranda, which he approved for the revocations, were written by persons not authorized by law namely Ezeamaka Cyril and Babatunde Olajide, his Personal Assistants.

In every State of the Federation and Abjua being regarded as one of the States, there must be a Land Use Allocation Committee that would make all land recommendations to the Governor who would subsequently approve. Here the former Minister refused to constitute the Land Allocation Committee and when we asked him, he said he did not believe the Civil Servants because he felt they would mislead him. Instead he constituted some gentlemen and charged them with the responsibility of land allocation.

- (v) That Cyril Ezeamaka was a Personal Assistant to Mallam Nasir Ahmed El-Rufai and was paid salary of N200,000 monthly. The record is there.
- (vi) The error claimed by Mallam El-Rufai, was, in fact, systemic and not isolated.
- (vii) That the former Minister, Mallam Ahmed Nasir El-Rufai, allocated 4,645 plots of land within two weeks before May 29th 2007 when the Federal Executive Council had seized to exist.
- (viii) The nineteen (19) plots of land allocated at Jabi were done under very irregular circumstances to individuals who are fronts to the Minister, Mallam Nasir Ahmed El-Rufai and friends and later re-divided into forty five (45) plots and the Certificates of Occupancy were collected by Cyril Ezeamaka on 28th May, 2007.

0141

Sir, you may wish to know that this plot was initially allocated to NNPC but was revoked for public interest but was given to individuals,

- (ix) That there is no evidence of payment in respect of the application for the nineteen plots of land at Jabi or approval for merger or development of the plots.

We called for and were given the policy files. If you like to go through them they are here in the custody of the Committee's Secretariat. No money was paid at all for the allocations.

- (x) That Mallam Nasir Ahmed El-Rufai abused his office when he revoked lands on green areas and sewer lines and allocated same to members of his family.
- (xi) He also revoked lands belonging to other persons for no reason and reallocated same to his wives and family members, associates and Personal Assistants. Among these plots was the one belonging to the Power Holding Company of Nigerian (PHCN).

When one of us asked him why he did all these things against the rules and regulations, he said; "When you become a Minister give them to your enemies." He was referring to Senator Heineken Lokpobiri. We found that to be very insulting but we allowed him because we were performing our legislative function. Now, we have come with our recommendations to you.

Some of the lands belonging to Government Ministries, Departments and Agencies like UBE and the rest of them were also revoked and given to individuals. The facts are there.

Compensation paid to indigenous inhabitants was not adequate and they are also complaining that houses given to them were not adequate. Other findings were that lands revoked for overriding public interest were given to individuals.

Finally, Court Orders were not obeyed by FCT Officials including the Minister himself which I told you the Counsel-General confirmed.

Our recommendations about land:

- (i) That the Federal Capital Territory should set up a Land Use Allocation Committee as a matter of urgency in accordance with the Land Use Act. I want you to note with due respect that

0142

already the immediate past Minister of FCT had constituted this Land Use Allocation Committee before we concluded our proceedings.

- (ii) Set up Urban and Regional Planning Tribunal in accordance with the enabling Act. This has also been constituted. They now have Urban and Regional Planning Tribunal in Abuja. We are urging that FCT should comply with the recovery of Premises Act in re-possessing houses.

Other recommendations are there for you. I will go to the next important recommendation which is on page 26 and that is recommendation on allocations and revocations:

The Federal Capital Land Use Allocation Committee should:

- (i) Withdraw all land allocations and revocations made by the former Minister of FCT, Mallam Nasir Ahmed El-Rufai which were signed between 15th and 29th May, 2007 when he had become *functus officio* at the dissolution of the then Federal Executive Council and review all allocations and revocations made between 1st and 15th May, 2007.
- (ii) Restore Government Ministries, Departments and Agencies and Institutional allocations and acquisitions that were revoked, excluding residential allocations following the monetization policy on a case-by-case basis.
- (iii) Restore all allocations of land on which Court Orders subsisted before demolition and/or reallocation because they are so many and we have given a catalogue of them as Annexure 3.

We urge you, Sir, to be convinced with what we have reported to you that Jabi case was very controversial. On paper we saw people who were under aged, but with pictures of mature persons. Our recommendations on Jabi case are as follows:

- (i) To withdraw the Certificates of Occupancy of about 45 Plots of Jabi (*Interruptions*)

The President: I am sorry to interject. Are we not going to take these recommendations one by one? You are reading them again whereas we are going to take them one after the other. What we are going to do would be better for your Committee because going through it

0143

now we can neither say yes nor no but when we read it ourselves and we take them one-by-one then you can offer explanations if there is need for that.

Senator Abubakar Sodangi: I so agree, Sir, but going by our experience we have a policy kind of in the past and you will remember the Report of the PTDF. There was a debate whether we should take it all like I am doing or the summary of it. At the end it was agreed that we take the recommendations, and that has been our practice. For instance, if you are reporting on the screening of ambassadorial nominees, you read all the recommendations. It is when we come to approving them that you say which one you are accepting whether it is "A" or "B" or all of them. But, if you do not want us to go through and read all the recommendations, I will just highlight particular issues and leave the recommendations so that when you come to approving them, you use your wisdom.

The President: The reason I am raising this issue is because I want us to finish this Report today; and we are going to start from page one because you have made recommendations on several issues here. I thought you said you were going to highlight some essential ones and then we take the whole Report.

I cannot recall what happened in PTDF Report but I am telling you what we are going to do in this case.

Senator Abubakar Sodangi: All right, Mr. President. Let me just talk on one very essential matter, which is the sale of Federal Government houses.

You will recall that there was Sale of Federal Government Houses Policy in Abuja and it was the Minister of Federal Capital Territory that was saddled with that responsibility. This is contained on page 28 of the Report.

As at the time we were conducting this Public Hearing, they could not account for the sum of N32 billion. I give my words, Sir. They could not account for the sum of N32 billion. If it has been reconciled they should come and tell us but our recommendations on that are contained here.

Next is the concessioning issue which is contained here also. The Eagle Square and the International Conference Centre were concessioned. What we said there is that even for security reasons they cannot concession out Eagle Square and the International Conference Centre to individual companies who have no managerial capacity thereby denying FCT workers their privileges. The two properties were given to one

0144

person. They sold Sheraton Hotels and Towers. It is also contained here. We have also made our recommendations on those issues. Also related to this, is La Meridien International Hotel which was also sold.

It is based on all these reasons that we have aggregated all our recommendations. I urge you, and my distinguished Colleagues to so approve them. Our recommendations are contained on page 69 up to page 75.

Finally, the Committee noticed that the cases we have also cited in this Report are being investigated by some Agencies of Government and consequently, the Committee recommends that the cases should be investigated thoroughly and those that are found wanting should be prosecuted by relevant authorities of Government.

In conclusion, the Committee wishes to note that this exercise, being a continuous one, the Committee will periodically update the Senate on further developments in our Quarterly Report.

The Committee hereby submits this Report together with all the pieces of evidence gathered, which I said are annexures. They are also contained in the Verbatim Report of Proceedings. There are also tape recordings that were gathered.

While thanking the Senate of the Federal Republic of Nigeria for the opportunity given to us to serve, we pray that the Senate will approve and adopt our recommendations which were painstakingly made. Finally, we submit that if the recommendations are approved, they should be implemented by the Executive arm of government.

The Committee wishes to express its most sincere gratitude and appreciation to the Leadership of the Senate in particular and the distinguished Senators in general for the confidence reposed on the Committee to serve and carry out this assignment. The support and cooperation extended to the Committee, facilitated in generating this bulky submission which I believe, if properly analyzed, will help our democracy. Many Nigerians suffered the great consequences in Abuja during this period in question.

In line with democratic ideals, the Committee elicited the assistance of many institutions, agencies and individuals representing key elements or having a stake in ensuring accountability and transparency in public affairs.

0145

Our appreciation also goes to the electronic and print media for the extensive coverage they gave the Committee particularly the African Independent Television (AIT) that gave us full live coverage during the assignment. The support and cooperation of other agencies, too numerous to mention, are equally appreciated.

I thank Members of this Joint Committee for their perseverance and commitment during the assignment despite all odds. I equally thank the indefatigable Committee Secretariat that worked tirelessly to produce this document.

I thank Mr. Senate President and urge my distinguished Colleagues to approve our recommendations.

The President: Now, let us take comments on the Report.

Senator George Thompson Sekibo (Rivers East): Mr. President, I appreciate the volume of work this Joint Committee led by Senator Sodangi has presented to us today. I do not know why most times we like to rush over issues. If there is an order in our Rules or as I went through the Constitution last night, if I had seen a place I would have made a Motion that we should convoke or invite a solemn assembly of Nigerians and the founding fathers of this great nation to receive this report. It is a Report that has exposed the wickedness of the heart of man against his fellow man. I spent two nights going through this Report.

Before I go to the key areas, I want to say that whenever one is at a crossroads like this, for those of us who are devoted Christians and I believe our Colleagues who are devoted Moslems, too, one will go back to ones inspirational guide and proverb has this to say. When the righteous are in authority, the people rejoice but when the wicked gather to rule, the people mourn.

We have here a Report where somebody in authority, without recourse to due process and the rule of law; revoked a Certificate of Occupancy that had been given to somebody. All of us who are developers know the value of Certificate of Occupancy. If you do not have any property but you are able to secure one Certificate of Occupancy and things are no longer smooth for you, you can have access to a bank with the C of O in order to revive a dying system for yourself. The C of O is so important to anybody holding it as if he is almost holding his life as well. Yet this is what someone woke up one day and just pasted a letter of revocation on the land and all the wealth was gone.

0146

I went through the Report and I saw that over 50,000 dwelling units of Nigerians were demolished. In elementary economics, we were taught that the most important needs of a man are; food, shelter and clothing. No matter how well dressed a man is and how well fed he is, if you see him sleeping under a bridge, you will think he is a destitute. That shows the importance of housing to every person.

Again, by status, you can evaluate a person by the kind of house he lives. The victims of these destructions are Nigerians who had toiled hard to obtain permission either temporarily or by way of C of O to build their own houses. They woke up one morning and discovered that their houses had been destroyed without due regard to law. By this action, we have only increased destitution, poverty; hypertension and other heart related diseases in our society. I know that many people may have lost their lives on account of this action.

On the issue of concessioning, Sheraton Hotel and Towers was built at a cost of US\$300 million and 51 *per cent* of its shares were sold for ₦34 million; that means the hotel is now valued at less than US\$68 million. NICON Luxury Hotel was built and furnished with US\$200 million; yet 90 *per cent* of its shares were sold for ₦50 million. This is absolute maladministration. This is beyond corruption and because it is beyond corruption, we have to take time to look at the recommendations of this Report properly before adopting them. When they are adopted, adequate punishment must be metted to either the former Minister or whoever he delegated power to that inflicted this injury on the people of this country.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, let me join Senator Sekibo in commending the Committee headed by Senator Sodangi and our Colleagues for a very good job. We followed the progress of their work in the media, both electronic and print, and we know that time and time again they became objects of blackmail, but we thank God that they survived all the blackmail and today we have this very revealing Report before us.

Let me start by saying that, perhaps, if our Committees submitted reports of their assignments as quickly as the Senate directs, and this Senate acts on those reports as quickly as it ought to, Nigerians may be spared avoidable pains and sufferings.

I say this because I recall that in the last Senate, a similar Committee was set up headed by Senator Idris Kuta of blessed memory. A lot of work was put in but I do not recall this Senate conclusively dealing with that

0147

Report. If we had dealt with that Report, I believe that the victims that had been documented in the current Report may not have been victims today. So, that is a lesson for this Senate that when assignments are given to Committees, those assignments are not academics; they are not rituals because Nigerians with flesh and blood may be spared pain if we act as quickly as we ought to.

Having gone through this Report, what is the lesson we have learnt from it? I have studied the Report again and again. What I can say is the allegory of the meat pie that very often will look very smooth on the surface until you deep your hands inside and what you find is not as smooth as what you see on the surface. But the biggest lesson to draw from this Report is that those of us who have the rare opportunity of public service must approach our offices with a lot of humility. We must be humble even as we go higher because in a democracy, one assurance democracy gives is that today or tomorrow, this hour or another; or this week or another, one's deeds would be investigated and one must be made to account for those deeds. On that Day of Judgment, one will stand alone confronted with the facts of the situation and one's actions. I believe that for some people, today is that Day of Judgment and it is a lesson to every person that humility in public office is the key to a favourable judgment by history. .

This Report has shown in great detail how the original vision for Abuja has been compromised. What did we see? We saw evidence of land racketeering, patronage and rentage in the Report. In the same City, I applied for land in this town for the first time in 1981, it took me 26 years to get one plot of land. Yet, in one day, you see an individual getting 47 Certificates of Occupancy in the same Nigeria that belongs to all of us. The least that this Senate can do as empowered by Section 88, is to expose these acts to all Nigerians and I want to congratulate Senate Sodangi for doing that.

The other point I want to make is that Nigeria belongs to all Nigerians. There are no special Nigerians. Whether you are rich or poor, high or lonely, big or small you have an equal stake in this country called Nigeria.

We used the machinery of government to demolish people's houses. When the law says that there must be a Tribunal to which they can run to. That Tribunal was never set up and so the victims of the destruction did not have opportunity of being heard. Therefore, they demolished not only their houses but also their lives. May God judge us all by our actions? In spite of the pendency of Court orders, they went ahead to carry out

0148

the destructions and evictions. There are two conclusions here. Where, by law, you are expected to set up a tribunal to provide fair hearing for somebody who is going to suffer as a result of your action and you do not do that, it means your action is *ab initio* illegal. I want to posit that all the demolitions carried out in Abuja, for as long as the tribunal was not set up, were completely illegal.

I want to also say that in all cases where there were pending Court Orders but we went ahead to demolish should be declared illegal. We must approach these recommendations from the angle that every demolition done, for as long as Urban and Regional Tribunal was not in place was illegal. Therefore, we must begin to think of ways of compensating Nigerians for the illegalities and the pains inflicted on them by the State.

Lastly, I have seen in one or two situations especially at pages 72 and 74 of the Report where certain persons were recommended as unfit for holding Public Office. Their actions would speak for them either in commendation or in condemnation. This Senate would be overreaching itself if we are to press that recommendation. This Senate has its functions clearly set out by the Constitution. The power to stigmatize anybody is vested in the Courts by Section 6(6) of the Constitution of the Federal Republic of Nigeria. So, we would approach the recommendations of this Report with caution because they are recommendations outside the powers of this Senate.

Senator Dahiru Kuta (Niger East): Mr. President, I want to thank the last speaker, the Deputy Leader for his contribution. It is unfortunate that in 1976 my people, the Gwari people, gave their land; sacrificed everything they had so that Nigeria would have a Cooperate Unity. Unfortunately, the original inhabitants, the Gwari people, have two-thirds of the total land area now designated as the Federal Capital Territory. I am so happy that the Committee has, for the first time, realised that after we have given everything we had, there has not been adequate compensation and relocation. Most of you that are residing comfortably in Maitama, Apo and so many other prime areas should know that those areas formally belonged to the Gwari people. You also should know that we are the original owners of Zaria area. We were pushed down from Zaria to Kaduna and from Kaduna we were further pushed down to this area now called the Federal Capital. When Justice Aguda came here, he said that the area was ethnically neutral. I think that is wrong. There were original people here.

0149

You know that in 1902, the first Northern Nigeria Capital was Zungeru; a predominantly Gwari area. In 1913, the second Northern Nigeria Capital was Kaduna, again, a predominantly Gwari area. We have sacrificed so much but at the end what do we gain for it.

For the first time, a Report is showing that this area was people-oriented. The Report indicates that this time around, justice is going to be done to these people who have been helpless, and socially degraded and economically bombarded. Now, the people are ready to fight back. However, because the Senate has taken it up, I want to believe that the Senate is out to do justice and do everything possible to appeal to the powers that be, that the Gwari people have sacrificed enough.

When you, Mr. President of the Senate, was the Military Administrator of Niger State, there was a promise that since we have given enough, everything would be done by the then administration to ensure that all the infrastructural facilities in Niger State were going to be complemented by the Federal Government. This promise was not fulfilled. Therefore, I am happy with this Report and I hope by the time we push this Report and its recommendations to the authorities that be, everything possible would be done to remember that originally there were people here that were and are still peace loving and patriotic and who are ready to give more if well taken care of. Yes, they are also part of Nigeria.

The President: Just out of curiosity, where are the Gwari people now. *(Laughter)*

Distinguished Senator Annie Okonkwo, please, let your comments be short because we are actually going to go page-by-page in this recommendations.

Senator Annie Okonkwo (Anambra Central): I want to first of all thank the Committee for a detailed job, because from all that is submitted here I can see that they took their time to do the job. I believe that the last hope for the common man is, of course, the Senate. It is our duty to seek the people's views on what happened when a lot of people lost their lives because of demolition of their houses. Many people also left Abuja for different areas because they no longer had anywhere to stay. I believe it is our duty to strongly look at these recommendations and approve some and ensure that they are implemented. Whatever we say here, if we do not curtail Executive excesses especially in the promotion of corruption through land allocation in Abuja, we have not done anything. It is unbelievable that in a day more than 30 people got Certificates of Occupancy in Abuja. Even when somebody had left

0150

office he continued to sign Certificates of Occupancy. It became a racket. People now engage in land racketeering instead of allocating land for development purposes. Genuine developers are not even given allocations. Genuine investors wanting to invest their money here in Abuja find it difficult to get allocations. Buying properties from second tier allottees would result in not having enough money for development. Therefore, it is very critical that the Senate approves some of these recommendations which would enhance progress and development in this country.

Senator Satty Davis Gogwim (Plateau Central): Mr. President, may I refer you to Section 44 of the 1999 Constitution? With your permission, I read: *No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things –*

(a) Requires the prompt payment of compensation therefore.

I commend the Committee for a job well done. The Report is very comprehensive. Section 21 of the Land Use Act of 1978 provides that adequate compensation should be paid for a property which is taken over by the Federal Government. We observe in this Report that such government acquisitions were done arbitrarily. The former Minister of the Federal Capital Territory was above board and did wrong things to Nigerians. Thousands of Nigerians suffered in hands of a Public Servant who was hand-picked by Mr. President.

When demolitions were carried out, court orders were not obeyed. I wondered what type of government under a democratic dispensation would refuse to obey court orders and continued to destroy people's properties, leaving many people frustrated, and some dead. I strongly urge that we should approve all the recommendations in the Report.

We observed that during the sale of government houses some sitting tenants were denied opportunity to pay for such properties. That is absolutely wrong. Those denied opportunities were thrown out of their houses. That is not fair at all. The Law of Retribution or the Law of Karma will catch up with those who did all these wrong things to Nigerians.

These recommendations are very adequate. I would also urge that distinguished Senators should study this Report properly. We may not finish going through the

0151

recommendations today, so we can take it through to next week to ensure that everything here is considered.

Senator Mohammed A. Mohammed (Bauchi Central): Mr. President, I must first of all commend this Committee for the job well done. I want to appeal to Mr. President to give us time to discuss this very important document even if it is going to take this Senate two weeks to do so. It would be a good job for the country if we can come to proper recommendations at the end of the day. From the account of this Report if what happened here should happen in either any of the Asian countries, India, or China the punishment that would be meted to those economic and social saboteurs would be a serious thing. It is a pity that the biggest party in Africa would allow such a thing to happen under this so-called democracy. This is really a serious dent on the biggest party in Africa. They have failed Nigerians because they have been covering these things up.

So, I agree that the settlers of what is called Abuja today must be adequately compensated. Why should some rogues occupy houses in Maitama worth millions of Naira while you give the settlers a room and parlor? That is not acceptable. Honestly, if we want democracy to survive in Nigeria, we have to start to take the bull by the horn. They should be adequately compensated.

I also agree that all those whose properties have been demolished illegally should be compensated. If this Senate can really do something on these issues, it would go a long way in building the confidence of Nigerians on the Senate.

The President: I decided to look at the membership of the Committee because you brought in the Party. Out of the twenty-one of them who exposed these monumental misdeeds, it is only Senator Ohize (Kogi Central) who is in the Opposition Party; the rest are all PDP members. So, if they can judge themselves, I think we should applaud their courage to even come out with this Report at all.

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, let me start by taking the leave of the Senate to read an excerpts from the Report. There was a question from Senator Heineken Lokpobiri to the then Minister of FCT, Abuja and the question goes thus: *If you give multiple plots of land to members of your family, friends and aides, is it not to confer corrupt advantage on yourself, members of your family, friends, etc?*

0152

And hear the response from the Almighty Mallam El-Rufai: *When you are a Minister give it to your enemy.* This response smacks of ignorance, arrogance and at best infantine response. This is a man who was supposed to be a servant of the people. What happened actually was a classic case of crass abuses of power by people in office. I do not think that this sort of thing could even happen during the Military regime.

Some distinguished Senators: No!

The President: She is right. Please, listen to her.

Senator Joy I. Emodi: This happened during democratic dispensation in a country like Nigeria. I happened to be a member of that Demolition Committee during the last Senate. Honestly, what we discovered was terrible. At the end of the day; nothing came out of that Report.

I want to stand here to plead that no matter what, we must ensure that we pursue this Report and the outcome of it to its logical conclusion. Let us not allow the *big men* in this society to kill this Report. A situation whereby the man was disobeying Court orders just like that and we are all watching and the Judiciary did not do anything about it. Imagine the behaviour of a man all of us were looking up to as *Mr. Transparency* in Nigeria. It is unfortunate.

He was revoking land allocations, left, right and centre. We all know that you have only one reason to revoke a piece of land; that is for overriding public interest and nothing more. Yet he was revoking and reallocating; it is unfortunate. I am sure that once there is a wrong there must be a remedy. For those of them who got another person's land, a land revoked and re-allocated, the solution is simple. There is this maxim in law: *quid quid platantur solo solo cedit*; meaning, anybody who owns the land owns everything on that land. The implication of that maxim is that if there is any development on that land, the person will take over the land and the development.

On the issue of the Jabi Lakeview Estate, it beats my imagination that the same *gentleman* re-allocated over 3,600 pieces of land in a single day; his last day in office and over 600 pieces of land after he had left office.

I am happy that Senator Sodangi and his team did not compromise the assignment. I stand here to commend them. A lot of things happened but this is not

0153

the time for me to start going line by line because we would still come back to the recommendations. I commend the Committee on Federal Capital Territory and the Housing Committee for a job well done.

The President: You will recall that when Senator Sodangi was giving his summary, which turned out to be fairly lengthy, I told him that we are going to take this Report page by page. We would do that; otherwise we are never going to get justice done and we are never going to get to the end of this matter. There should be no doubt at all in anybody's mind that we would not do this. We would go through page by page and make sure we attend to every recommendation that the Committee has produced.

Senator Mohammed Mana (Adamawa North): Mr. President, first and foremost, let me congratulate Senator Sodangi (Dan Malikin Nasarawa), for his steadfastness and for carrying out his assignment despite the accusations that were levied against him when he was going ahead with this assignment.

We have now seen the reward of hard work. So many public hearings had been held and I congratulate you, Mr. Senate President, for bringing out this Report and for reading it for the Nigerian public to see. It behoves on us to ensure that despite far-reaching recommendations and exposures that had been made, this Report is properly tackled and that the hopes and aspirations of Nigerians that have been affected as a result of these misdeeds by the former Minister of the FCT are assuaged. It also behoves on us to ensure that the recommendations we make here are really implemented. I say this because I cannot see how the sum of ₦32 billion can be missing. That is the money that accrued to the Federal Government from the sale of its houses. It is a monumental fraud. It is a disservice to this country that must be fully investigated. If it is true the money must be recovered.

The other issue I will mention is that while planning for Abuja to solve the problem of Lagos, we made a mistake. We made a mistake by taking large chunk of land from Kaduna, Nasarawa, Kogi and Niger States and merged them into one. We should have followed the American example. You will notice that Washington DC is a small area accommodating only the seat of government. All other parastatals and Ministries are located in the neighbouring States. If we have done that, we would not have had this problem. We took a large chunk of lands from those States and denying of their lands and then creating multi-millionaires from the sale of land. Despite that, however, we must take necessary actions to ensure that this fraud that had been

0154

exposed by Senator Sodangi and his Committee is properly remedied.

Senator Anyim C. Ude (Ebonyi South): Mr. President, let me salute the courage of Members of this Committee. Anybody who has had the opportunity to get involved in this exercise of Public Hearing would know that it was full of threats and intimidation and only courageous people can come up with this kind of courageous document.

I was initially worried but you allayed my fears when you said we would finish taking decision on this document today. Looking at it, I found that from pages 1 to 10, you have preliminary matters; on page 11 of the findings and recommendations, the injustices were exposed. It would require a thorough job by this Senate for justice to be done. I am happy that you have finally realised that we have to spend some time on this document in order to do a good job and raise the image of the Senate. I am hoping that if we cannot begin today, we should reschedule it another day so as to take it line by line and do a good job of it.

Senator Adeleke Olorunnimbe Mamora (Lagos East): Mr. President, in making my submission on this issue, I must start with two statements. A writer called Stephen Brenner made one and it has to do with power and justice. What the man wrote in his book is that: *Power and Justice must be brought together so that what is powerful is seen to be just and what is just is seen to be powerful.* The second is to recall the statement of Dr. Martin Luther King (Jnr.) which was to the effect that: *Peace is not just the absence of conflict, but also the presence of justice.*

Yes, I want to join my Colleagues in commending the Committee for the job well done. We have seen from the Report that there are so many issues; the issue of arbitrariness, injustice, high handedness and, of course, favouritism.

Let me, particularly, draw the attention of this Senate to Seventh Schedule of the Constitution under Oath. I am referring specifically to the Oath of Office of the Minister. It is under the same Oath of the Vice President, Deputy Governor, Ministers, and Commissioners. If you look through it says: *I will discharge my duties faithfully to the best of my ability faithfully in accordance with the Constitution of the Federal Republic of Nigeria and the Law.*

From this Report we have listened to, it is obvious that the Minister in question had not complied with this Oath. I am referring specifically again to Section 36 on

0155

Right to Fair Hearing where from the Report a lot of the victims were not given the opportunity to have a say in respect of the issues affecting them.

If you also look at Section 43 on the right to acquire and own immovable property anywhere in Nigeria; again, the rights of the citizens involved or the victims had been breached but that is another issue. Under Oath as well, it says: *I will do right to all manner of people according to Law without fear or favour, affection or ill will.* The Report before us has shown great compromise of this Oath of Office.

I am using this Oath to speak to us all as well. When we take Oath of Office to defend the Constitution, to do good to all manner of people, we should be careful and ensure that we live by that Oath which we have taken. As my friend and Colleague Senator Victor Ndoma-Egba said, we should always remember that someday, somehow, somewhere along the line, the day of reckoning would come and then these issues would come up.

I want to commend the Committee and hope that we do justice to the Report in terms of looking at the recommendations and in deciding what to approve and what not to approve. We should not be in a hurry so that Nigerians, particularly the people of the Federal Capital Territory (FCT), who are victims of this situation we are discussing, would know that we have been fair to them in whatever we do.

Senator Adefemi Kila (Ekiti Central): Mr. President, I am a Member of this Committee. I am particularly disturbed by two issues. Number one is the case of late Justice Sambo who petitioned in his own right to Mr. President about his eviction. I saw a copy of that petition, and Mr. President minuted on it to the Honourable Minister saying that he should treat the case according to the rules. I asked El-Rufai during Public Hearing who gives you the last order or as a Minister, you are no more responsible to anybody. He could not answer those questions and the man died; that is why I felt seriously touched.

The second one that really touched me is that during his last days in office inclusive of his last day; over 3,000 Certificates of Occupancy (C of O) were issued. When a distinguished Member of this Senate, a Senior Advocate of Nigeria (SAN) for that matter, applied for land allocation since 1981; a testimony he affirmed this morning, he only got one 26 years after, yet the Minister signed out over 3,000 allocation papers in less than one week. I do not know where justice is.

0156

I am privileged to be in the first group of people who opened up Abuja as a contractor. Abuja was a jungle then and there was a Master Plan. This Master Plan, unfortunately, was not adhered to. (*Interruptions*)

Senator Sidi Ali (FCT): How can it be a jungle, the indigenes were there.

Senator Adefemi Kila: The indigenes were in the jungle sorting themselves out.

Senator Sidi Ali: That is not correct.

The President: Sorry, Senator Kila, did you say you were one of those who came in 1976 to displace the Gwari people? (*Laughter*)

Senator Adefemi Kila: Mr. President, Sir, my concern is that we have one queer habit in this country and the habit is that when somebody is in the position of authority, we sing his praises. When the former Minister of FCT was there, where were the people? Nobody came out to fight this man frontally. He was always there on the television making cases for what he was doing. I got confused coming to the Senate and finding out the level of complaints that came on board.

Having been involved in the construction of the Master Plan of Abuja, if it had been allowed to succeed, Abuja would have been a beautiful place to live in. But most of the structures were put there on temporary basis. It is true that the former Minister erred, but he did some jobs and we should always try to accept that somebody worked, and not that he totally failed.

Were it not for the little efforts that he put in, the almighty Maitama and Asokoro would have been ghettos today, because you would find out that in every nook and cranny there would be small market stalls, but he cleared all this rubbish and gave the City a befitting environment. However, as I said, he erred by not making correct alternatives for the people he cleared out of these places.

It is being said that this document of our Committee would be looked into page by page according to our recommendations, but in summary, I would like to say that when somebody is in position of authority, today we are here, tomorrow we would leave the scene and other people would take over; whatever we can do when we are in position, we should do it right and people should stop condemning others all the time. There is nobody that is 100 *per cent* perfect. I am saying that El-Rufai did a little bit of good work, and not that he was totally useless. That is the point I am making. Wherever

0157

he erred, we should look at it and make corrections. This is my contribution on this issue and when we come to the page-by-page approval, then we shall take the recommendations.

The President: Thank you, distinguished Senator Adefemi Kila, particularly for your middle road line of action.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, thank you very much for giving me the opportunity to speak. I sat in this Committee from the beginning to the end. From all indications, the recommendations therein are very fundamental and key to those who injustice were meted to.

I also want to raise very fundamental issue. When the Chairman of the Committee was presenting his Report, he mentioned that other memoranda came late, including those of NAFDAC and the Failed Banks that have plots in Abuja which Mallam El-Rufai allocated to himself and also to his associates. I have not really examined that aspect of the Report. *(Interruptions)*

The President: Please adjust your microphone so that we can hear you clearly? *(Microphone adjusted)*

Senator Danlami Ikenya: I am sorry, please. I said that in the presentation of the Report, the Chairman said that some memoranda came late including memoranda from the Failed Banks that were in choice areas like the Central Business Area, but were not also considered in this Report. I believe that in the course of going page-by-page we should be able to carry them along because some of these plots are so strategic that they were allocated to associates of El-Rufai or to himself.

I just want to mention something very important. I am aware that Justice Sambo died when he was evicted by El-Rufai irrespective of the fact that there was a Court injunction which he did not obey. Today, El-Rufai is being wanted by EFCC and the same El-Rufai has gone to Court that he should not be arrested. I know that the Court would do justice to his appeal.

Secondly, I am aware that Mallam El-Rufai, in 2003, appeared before the Senate. He accused the Senate of corruption. What I will call Mantu Vs El-Rufai and everybody knew then that he was telling lies. There is another case study that I will title Atiku versus El-Rufai. Mallam El-Rufai headed a Panel and said that Atiku was corrupt and that he should be indicted. This is in public domain. There is also the case of Atiku versus Ribadu; that Atiku was corrupt. He talked about the

0158

PTDF and so on. Today, Alhaji Abubakar Atiku is flying all over the country and outside the country and nobody has accused him or arraigned him. It implied that they were blackmailing him.

What do you talk about corruption. I am aware that when El-Rufai was a Minister, he created an office of EFCC in FCT probably believing that they would not see what he was doing, but unfortunately if EFCC were truly EFCC, I thought they should have stumbled on those documents that we are talking about. Therefore, the National Assembly has done its job by exposing corruption which we are empowered to do. I am aware that EFCC is also under investigation and I believe that in the course of this investigation with these overwhelming facts, EFCC would act fast and bring justice to the people.

Let me quickly add that when I came in as a member of this Ad-hoc Committee, Mallam El-Rufai requested that he be allowed to travel and that he was going to write an examination in the United Kingdom. I then asked him: *Do you mean that what we are doing here is not more important than the examination you are going to write in the United Kingdom?* Let me say that it was at the intervention of the Members of the Committee that we asked him to stay back and clear some issues. You can see how we have been spending money in the hospitals abroad; including American hospitals.

I know the way National Hospital was designed; its environment alone can have soothing effect on any sick person. I know many of our rich people who have had the opportunity to serve in public offices travel out of this country to treat themselves but the opportunity has come down home. The location of this American Hospital in the Federal Capital Territory, Abuja would assist us in no small way and I am of the opinion that we should act fast on this recommendation and ask these people to come back to this country and start work so that we can have a better alternative in the fast developing City of Abuja and other areas.

We can see what happened on the issue of Wuse Zone 4 Neighbourhood. We have a Court injunction. They had paid ₦850 million to the government. They were asked to register with the Corporate Affairs Commission, which they did. Their building plan was approved by the Development Control Department of the FCDA and later the land was revoked.

Having read the recommendations on the Neighbourhood Centre, my prayer is that not only should the money of the allottees of the Neighbourhood

0159

Centre paid to the government be returned to them, the former allottees should also be given back the land since they had paid and all the normal processes had been done.

On the issue of housing which is very clear, I am of the opinion that the EFCC has taken over and the recommendations are far-reaching. You should allow us to debate this very important Report so that we can have far-reaching decisions on the recommendations.

I thank you for giving me the opportunity to add my voice to this important discussion.

Senator Emmanuel Paulker (Bayelsa Central): Mr. President, I rise to give kudos to this very important Committee for a detailed work on these important issues that touch almost all Nigerians.

The report actually detailed irregularities and breach of due process by an individual and a corporate body like the FCTA. Most of the recommendations of this Committee talk of wholesale reversal, withdrawal, restoration or reinstatement caused by the wrongdoing of an individual. I share totally in that view, especially in cases where glaring injustice was done.

A clear example is the case of the Jabi Lakeview allocation where a good number of plots were allocated within the last few days of the former Minister of FCT, Mallam Nasir El-Rufai and then the 665 plots which he did within those few days.

My greatest concern on the issue is a situation where a third party is involved; we are talking about refunds and these are mistakes that had been committed but by an individual who was acting under the capacity of a Minister duly sworn in. He has now revoked the allocations unilaterally; maybe, from Mr. A. to Mr. B. Mr. B must have gone ahead, based on that fact because it is a well constituted authority, develop those plots of land. How will this third innocent party be dealt with? In this era of global recession, the Federal Government is being unduly committed into taking the scarce fund to correct the misdeeds of an individual. That is my greatest concern. Do we visit the sin of an individual on this innocent third party?

When we come to the issue of taking these items one after the other, my position would be that of a review, and maybe, ask this Committee to call the present administration of the FCTA to address some of these issues. Demolition was carried out against innocent people and then the Federal Government will be committed to pay.

0160

I will not end my little contribution without mentioning the issue of the indigenes of Abuja. The Gwari people are well recognised as far as I am concerned. Adequate compensation must be paid to them in line with the Land Use Act. Development cannot be done on air; people must be displaced before you can effect development.

Here we are, we have seen a very beautiful City because Abuja still projects the good image of this country. That was the reason why Senator Kila was saying that the former Minister of FCTA, in spite of the gross misconduct and abuse of office; call it whatever name you want, contributed to giving the Federal Capital City a facelift. I give him little kudos. With what he had done Nigeria, today stand shoulder high to say she has a City called Abuja. Without embarking on demolition exercise some of these things would not have been achieved.

With these few remarks, I would wait until when we are taking the recommendations one after the other.

Senator Ayogu Eze (Enugu North): Mr. President, to buttress the point I want to make about the grave implications of what has been unearthed by this Report, I wish to address our minds to Section 14(2)(b) of the 1999 Constitution of the Federal Republic of Nigeria. The Section states that the security and welfare of the people shall be the primary purpose of government. This particular Section is equally reinforced by scriptural injunctions, which states that when the righteous are in authority the people rejoice. Therefore, from the point of view of God, government is put in place for the welfare and comfort of the people, not to discomfort them. However, what we have seen from the Senator Sodangi's Report is a situation where an individual ran an administration with personal ego and concern for his own personal welfare as opposed to the welfare of the generality of the people. Nobody can convince me that any right-thinking person will revoke plots of land belonging to government agencies, and re-allocate them to private individuals or private entities in which the interest of these people cannot be completely divorced.

If you see the property of Shelter Development Limited highlighted by this Report, it is one of the most imposing edifices in that part of Maitama. We are aware that the government agency that owned the property had Certificate of Occupancy for the plot. He had spent about ₦600 million and without due regard to due process, this land was revoked, the properties demolished and the land re-allocated to another developer.

0161

During the hearings, there were insinuations that this company was directly or indirectly mentioned to the former Minister. I think this is very reprehensible. The same Minister went ahead to allocate in one single day nearly 4,000 plots of land even if you are a machine how can you coordinate that quantum of allocation in one day and be sure that you reflect the basic principles of establishing Abuja. We also read in your opening remarks about some of the points raised by the Aguda Committee that they wanted a place where every Nigerian shall feel at home.

Not every Nigerian can feel at home here including the Gwaris if one man ran away with about 10,000 plots of land all to himself and his cronies. I am sure that even the Gwaris will not feel at home with that kind of environment. So I believe that the Executive branch should be made to take adequate action, mete out appropriate punishment to whoever has bastardised the policy of government and debased our laws because his Oath of Office as highlighted by Senator Mamora is to obey the Constitution and the laws of the land. This man abused the Constitution and the laws of the land. We should put sentiments apart because if you have done good and the bad you have done in an office outweighs the good you have done, that good has been buried by the bad. So, let nobody preach to us about the good, because the bad has outweighed the good, therefore, he has to pay for it.

I recommend that when we take this matter page by page we should come out with a strong position inviting the Executive branch to make sure that they take proper disciplinary action on this matter so that even people who are in office today will not be tempted to travel the same road.

Senator Suleiman Mohammed Nazif (Bauchi North): Mr. President, I rise to also support and commend the efforts of the FCT Committee, and indeed, the leader of that Committee, Senator Sodangi. I believe their names will be written in gold in the history of Nigeria for exposing Executive rascality of the actors of that era.

Majority of Nigerians, especially, those that reside in Abuja, have in one way or the other been victims of that Executive rascality which occurred during that regime. The average Nigerian in Abuja suffered tremendously. The Civil Servants, the Politicians and even those in the Presidency suffered. The formal Minister adopted a strategy in order to deceive Nigerians that he was doing the right thing by touching every angle and all manner of people that live within the FCT.

0162

I will like to draw the attention of this Senate to very important issue and which every Nigerian knows and that is that the former Minister of FCT in question came through controversial circumstance and he left through controversy. I remember the issue of PENTASCOPE. It was a major issue then and every Nigerian knew about it. Nigerians kept quiet, even after the National Assembly had recommended punishment, nothing was done at the end of the day. Many Nigerians thought the man was doing the right thing.

Again, it surprises me to note that during the activities of the former Minister of FCT a lot of Nigerians even those that have due process certification for their allocations at the end of the day could not do anything. I have not seen any Nigerian who will sit in his house and expect bulldozers or policemen to come and kill him in his house because he does not want to leave the house. A lot of Nigerians were scared and left their houses. Obviously, many people thought that the man was doing the right thing because nobody resisted his actions. If it were to be in another country, so many people would rather sit and die in their houses because they invested their hard-earned resources into them. In so doing, people would ask questions about what is happening and why the man would refuse to leave the house in spite of the fact that bulldozers are pulling down the building. However, Nigerians decided to abandon their properties whilst people believed that the Minister was doing the right thing.

Again, before I go into the nitty-gritty of this Report, politicians went through the screening process in the Senate and by the recommendation of the FCT Committee of this Senate, gave confirmation to the Minister of FCT. The same process could have been used to get him out. At the same time, this Minister, Mallam El Rufai went through the process screening yet he would tell you that he is not a politician. What business has the person who is not involved politics got to do with public offices, especially in a democracy? Does that man has a stake? Senator Nazif has a stake in this country. I would try as much as I can to ensure that I do the right thing so that tomorrow when I go back to my Constituency to seek their votes me again they would vote me. However, we have many people that come here who do not have stakes. We have suffered in building democracy whether in opposition or otherwise. There are others who just come here with laptops because they know Mr. A or B then the entire Senate say let him take a bow and go. We did not subject him to proper scrutiny so as to determine if he has a stake or not; how he can lead the people and what kind of development he would bring.

0163

This is a lesson to Nigerians, and indeed, this Senate. When next we have a ministerial confirmation exercise, we should ensure thorough scrutiny of the people irrespective of the party affiliation. When it comes to solving problems even those in the majority party want our contribution in blasting people like Mallam Nasir El-Rufai. Why would distinguished Senator Nazif stand up to blast Mallam El-Rufai when he was a product of PDP? But here we are because we are our brothers' keeper; because we are here in the Senate united as one trying to make Laws for the good people of Nigeria; this will serve as a lesson for all of us that this attitude of winner takes all is not good. I have not seen anybody from the Opposition Party coming to government and trying very hard to ensure that he delivers that will start destroying the lives of the people. So, this is a lesson for all of us, especially for those of us that want to lead tomorrow.

Having gone through this Report, at page 8, paragraph 2, the Committee stated that the provisions of the Land Use Act should guide the allocation of lands in the FCT. It also noted that the provisions of Sections 28 and 29 of the Land Use Act (LUA) should guide relocation and allocation; and Notice is required to be given to the holder of a Certificate of Occupancy. I believe the Committee made a mistake by citing Section 27 rather than Section 28. I want the Committee to look at that Section again because I believe the relevant Sections are Sections 28 and 29, and not Section 27 of the Land Use Act. I believe it is necessary to point that out.

Again, in their Recommendation, the Committee did not pay adequate attention to those whose properties were demolished. This is because there were some properties that were demolished wrongly because they did not have recertification. Therefore, their allocations were withdrawn and their property demolished. I urge that recommendations should be made for compensation to be paid to the affected people. I did not see in the Report where compensation was recommended for such people.

Senator Wilson Asinobi Ake (Rivers West): Your Excellency, the Senate President, in commending the Committee for a well written Report, I would also want to admit that so much has been said on this issue today.

This matter will emotionally affect any person who reads through this Report. It was as if a holocaust was in town ravaging the place and keeping the people wailing. I must thank God, that this man never joined the Military with a gun in his hands; he would have been another Hitler. He tried to justify all he did. I only want

0164

to pray that we do not have another of such person in power. I believe that everywhere we are watching people in power today, by tomorrow when we look at their records, we will find that there are people who are doing what Mallam El-Rufai did. How do we go about curtailing these people? The Senate has a duty and they have demonstrated it by this Report.

The National Assembly has a duty and toady; we have a Constitutional Review Committee. Let there be certain provisions that will enable us drop a Minister or any person in power when such a person has been found to be abusing his position.

Also in the course of Senate screenings, we should request for certificate of mental fitness from a medical doctor clearing him of mental cases, so that we know whom we are dealing with. This is because it is like wearing somebody a masquerade and giving him a knife. When he goes into town it will be difficult to arrest him.

I want to ones again, thank the Committee for a job well done. I hope that after the Senate has gone through the Report page-by-page and approve the Recommendations therein, such recommendations would be implemented. It should not end in this Senate Chamber; it should be implemented. Most of our Reports have never been implemented so that their effects could be felt by Nigerians.

I sympathised with the people affected when we went to Kubwa during the demolition exercise. We saw some women naked crying and wailing. They protested but the bulldozer and the law enforcement agents were there with their canes and guns. There was nothing they could do. It was a helpless situation; it was as if they were strangers in their own land and we hope this should not happen again.

Senator Justina Nkechi Nwaogu (Abia Central): Mr. Senate President, I would like to join my distinguished Colleagues who have spoken in congratulating the Committee that brought up this very important Report.

A lot have been said on this very Report and I just want to add one or two areas that are still of great concern to me. I discovered from this Report that the Ministry actually aided what took place. I am happy that some of my Colleagues have advocated effective implementation of this Report. It should not end up only in the Hansard parked in the archive of the National Assembly. The implementation of the recommendations of the Report should be followed up because it has

0165

brought a lesson to this Senate Chamber in particular, and the National Assembly in general. We must review our Laws so that we may be conferred with powers to punish erring Executive Officers.

If we can screen and approve the appointment of a Minister; I do not see why we cannot be given the same power to punish or recommend adequate punishment when a Minister or any other person in that level has erred.

If you will recall, when in 2005 to be precise, Apo Legislative Quarters were sold, we complained about it. There were varied prices for the same properties in the "D" Quarters as well as in A, B and E Zones. Whilst the Members of the House of Representatives were offered their houses for N11 million, the Senators got theirs for N16 million and the Civil Servants got their own for N8 million. These are same properties. It is an area this Report should have further looked into.

Also, we talked about sit-in-tenants especially, Civil Servants that have been in employment for over ten years and were paying their rents. As we speak, they are still being ejected. I do not see the reason why we should have waited for Mallam El-Rufai to leave Office before conducting this investigation. This shows that we must be proactive instead of being reactive. We must be courageous enough to look at issues when they happen and no matter whose ox is gored.

It beats my imagination that even the properties that were paid for in 2005 most of us as we speak today, have not received the Certificates of Occupancy, which means we do not have legal possession of those properties. So much abuse of power was allowed to go on in this Ministry unchecked. We must be proactive instead of tackling issues in retrospect.

It behoves on us today to ensure that this Report is taken bit by bit. We should not be in a hurry when considering this Report page-by-page. We should ensure that we put machinery in place whereby the Executive arm of government will be urged to ensure that the culprits are brought to book and it should be a lesson for serving Ministers and other members of the public at various levels. We cannot continue with this present practice of not taking prompt action against erring public officers until after the left office. We should take a cue from what is happening in other developed nations of the world.

0166

The President: The Leader of the Senate, I think we have had a lot of discussions on this Report. There are only two names left here and they would take their turns tomorrow.

Senator Teslim K. Folarin: Mr. President, for reason of time, I move that we suspend further debate on the Report and continue the thorough consideration of the recommendations tomorrow.

Senator Adeleke O. Mamora: Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

Resolved: That the Senate do suspend further debate on the Report and continue the thorough consideration of the recommendations tomorrow.

Senator Teslim K. Folarin: Mr. President, again for reason of time, I move that the last item on the Order Paper be stood down to the next legislative day.

Senator Adeleke O. Mamora: Mr. President, I second the Motion moved by the Leader that the last item on the Order Paper be stood down to the next legislative day.

Question put and agreed to.

(Last item on the Order Paper, by leave of Senate, stood down to another legislative day)

ADJOURNMENT

Senator Teslim K. Folarin: Mr. President, I move that this Senate do adjourn till Thursday, 22nd January, 2009 at 10.00 am.

Senator Adeleke O. Mamora: Mr. President, I second the Motion moved by the Senate Leader that the Senate do adjourn till tomorrow Thursday, 22nd January, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till tomorrow, Thursday, 22nd January, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 1.55 p.m.